## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

----- In the Matter of -----)

ALAN M. FUJINAKA, dba TRIPLE A EQUIPMENT RENTAL & REPAIR

Notice of Failure to Comply With Hawaii Revised Statutes and Commission's Regulations Order to Show Cause Why Respondent's Operating Authority Should Not Be Suspended or Revoked.

DOCKET NO. 03-0282

### DECISION AND ORDER NO. 21130

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Chief Clerk of the Com

ATTEST: A True Copy KAREN HIGASHI Chief Clerk, Public Utilities tate of Hawaii.

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Docket No. 03-0282

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#### DECISION AND ORDER

commission ordered The ALAN Μ. FUJINAKA, dba TRIPLE A EQUIPMENT RENTAL & REPAIR ("Respondent") to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 26, 2003 to show cause why Respondent's certificate of public convenience and necessity ("CPCN") number ("No.") 0251-C should not be suspended or revoked for failure to file an annual financial report, pursuant to Hawaii Revised Statutes ("HRS") § 271-25 and Hawaii Administrative Rules ("HAR") § 6-62-42(a), and pay an annual motor carrier gross revenue fee, pursuant to HRS § 271-36 and HAR § 6-62-24(a), for 2002.

¹The commission notified Respondent of the November 26, 2003 hearing by serving Order No. 20483 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to HAR § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Respondent's last known address, or to

The commission notified Respondent that its CPCN would be revoked if it failed to appear at the scheduled hearing.

On November 26, 2003, Respondent failed to appear before the commission's hearings officer. As a result, the hearings officer recommended that the commission render the following findings and conclusions: (1) Respondent be found in default for failure to appear at the hearing and (2) Respondent's CPCN be revoked.

the commission finds Based on the above, that Respondent's failure to appear at the November 26, 2004 hearing constitutes a default in accordance with HAR § 6-68-23. Accordingly, because the commission can assume the facts alleged in Order No. 20483 are true in the event of a default, and such are in violation of applicable laws, rules. above, the commission concludes regulations noted that Respondent's CPCN should be revoked.

THE COMMISSION ORDERS that CPCN No. 0251-C is revoked.

03-0282

Respondent's attorney. Additionally, pursuant to HRS § 91-9.5, the commission provided Respondent with notice of the hearing via statewide publication in newspapers of general circulation on November 3 and November 10, 2003.

DONE at Honolulu, Hawaii this 20th day of July, 2004.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

Jane E. Kawelo, Commissioner

APPROVED AS TO FORM:

Cathuir P. awak: Catherine P. Awakuni

Commission Counsel

03-0282.eh

### CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 21130</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

ALAN M. FUJINAKA, dba TRIPLE A EQUIPMENT RENTAL & REPAIR 1557 Hoomoana Place Pearl City, HI 96782 (CM #7002 2030 0006 6812 6755)

Faren Higashi

DATED: July 20, 2004